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8 Attorneys for Defendants
 Toyota Motor Sales, U.S.A., Inc.
 9 and Toyota Motor Corporation

10
 11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA
 13

14 CARIN and EDWARD MILLIGAN,
 California residents, on behalf of
 15 themselves and all others similarly
 situated,

16 Plaintiffs,

17 vs.

18 TOYOTA MOTOR SALES, U.S.A.,
 INC., a California corporation; and
 19 TOYOTA MOTOR CORPORATION, a
 foreign corporation,

20 Defendants.
 21
 22
 23

Case No. C09-05418 ~~VRW~~ RS

Judge: Hon. Vaughn R. Walker

STIPULATION AND ~~[PROPOSED]~~
ORDER TO CONTINUE HEARING
ON DEFENDANTS' MOTION TO
DISMISS SECOND AMENDED
COMPLAINT AND BRIEFING
SCHEDULE

Complaint filed: November 17, 2009

24 WHEREAS plaintiffs Carin and Edward Milligan (collectively "plaintiffs")
 25 filed a Second Amended Complaint on March 9, 2010;

26 WHEREAS defendants Toyota Motor Sales, U.S.A., Inc. and Toyota Motor
 27 Corporation (collectively "defendants") filed a Motion to Dismiss Second Amended
 28 Complaint on March 30, 2010, and subsequently stipulated, with this Court's

approval, to extend the hearing associated with that motion until September 30, 2010 to facilitate settlement negotiations;

WHEREAS the parties have participated in four mediation sessions before the Honorable Edward Wallin (Ret.) of JAMS, have agreed in principle on the terms of a settlement, and are in the process of finalizing the terms of a proposed class settlement agreement;

WHEREAS the parties anticipate seeking preliminary approval of the class action settlement within the next thirty days; and agree that the hearing on Defendants' Motion to Dismiss should be continued until the settlement approval process is complete.

THEREFORE, the parties agree and stipulate as follows:

The hearing on Defendants' Motion to Dismiss Second Amended Complaint, currently set for September 30, 2010, and the associated opposition and reply briefing, shall be continued until the settlement approval process is complete, at which time the parties shall advise this Court of the status of the case and settlement, and will reset the date for the hearing on Defendants' Motion to Dismiss, if necessary.

Dated: September 9, 2010

SHOOK, HARDY & BACON L.L.P.

By: /s/ Frank C. Rothrock
Frank C. Rothrock

Attorneys for Defendants Toyota
Motor Sales, U.S.A., Inc. and
Toyota Motor Corporation

Dated: September 9, 2010

MERRILL, NOMURA & MOLINEUX
L.L.P.

By: /s/ Jeffrey B. Cereghino
Jeffrey B. Cereghino

Attorneys for Plaintiffs

~~[PROPOSED]~~ ORDER

Based on the foregoing stipulation of the parties and good cause appearing, it is therefore SO ORDERED that the hearing and associated briefing on Defendants' Motion to Dismiss Second Amended Complaint shall be continued until the settlement approval is complete, at which time the parties shall advise this Court of the status of the case and settlement, and reset the date for Defendants' Motion to Dismiss, if necessary.

IT IS SO ORDERED.

Dated: 9/14/10



UNITED STATES DISTRICT JUDGE